

Section III:
AMENDMENT UNDER 37 CFR §1.121 to the
DRAWINGS

No amendments or changes to the Drawings are proposed.

Section IV:
AMENDMENT UNDER 37 CFR §1.121
REMARKS

Response to our Previous Arguments

We respectfully disagree with the Examiner's conclusions regarding our arguments concerning the differences between Online Transaction Processing (OLTP) technologies and batch programs. We respectfully maintain our previous arguments.

We believe the Examiner has agreed that these types of programs are significantly different, and we believe the Examiner agrees that the cited art is silent regarding OLTP, instead disclosing only batch processing.

However, we believe the Examiner has held that no portion of our claims provide an effective limitation to reading only on OLTP technologies but on not batch processing technologies. If we understand the Examiner's position correctly, the fact that our claimed "received reports" contain OLTP performance statistics does not functionally distinguish over a received report, for example, containing batch processing statistics. We respectfully disagree, and request reconsideration for a couple of reasons.

First, please consider that our received reports are received from a grid computing resource (a device or resource in a grid computing environment), and the statistics contained within the reports relate to the completion of an electronic computerized transaction. We are amending our claims to clarify this, in accordance with our specification ("*resource vendors in a grid computing environment*" ABSTRACT; "*calculate grid vendor aggregate rating*" Fig. 1 #13; example Grid Vendor Rating Report Fig. 2 #20; "*grid service provider vendor rating system*" ¶0026; "[t]he rating logic (62) obtains real-time data from grid resource (54) in self-reported job statistics (61), as well as statistics (45) reported from the Results Manager" ¶0050; etc.).

The Benjamin reference is not directed towards service providers *in a computing grid*, but instead to "service providers" as "*trading partners*". Such "*trading partners*" are not computing resources in a computing grid, but instead are *companies* with whom a customer may want to "*trade*". Companies and computers are not the same, of course. Benjamin compares their automatically generated trading partner rating system to eBay's sellers' ratings, Moody's and Standard & Poor's debt ratings for companies (¶¶0003 - 0005).

For these reasons, we respectfully submit that since the technical operations related to executing computing jobs in a grid computing environment is unlike selecting a trading partner to perform a business job of a non-computing type, the Benjamin reference is not taken from analogous art and does not teach automatic rating generation of grid computing resources and computers.

Secondly, we respectfully ask the Examiner to reconsider that because our system receives electronic self-reports from OLTP grid computing resources in a grid computing environment, the data contained in those reports is significant and functional as it constitutes electronic information which is used to control other devices, namely selection and engaging of OLTP grid computing resources for subsequent execution. Thus, the report data and the processing of it form part of a control loop within a grid computing environment ("*job/Grid scheduler*" #34 Figs. 4 & 6 "*selects which server or servers . . . to assign to process the job*" ¶0038; "*grid computing control system*" ¶0091). For these reasons, we strongly disagree with the conclusion that our invention would process the data the same way regardless of whether it was about OLTP or batch processing job results.

We have amended our claims to clarify both of these aspects about our invention: (a) that it pertains to rating of OLTP grid resources in a grid computing environment which is not the same as rating business trading partners, and (b) that it is part of a control loop of a grid computing system's job/Grid scheduler.

We respectfully request reconsideration and allowance of our claims.

Rejections under 35 U.S.C. §112, First Paragraph

Regarding the rejections of claims 14 and 40 - 43 for failing to disclose the "responsive to . . . " aspects of our claims, we respectfully disagree and submit that our disclosure provides at least one embodiment which one of ordinary skill would find useful as these claims set forth.

However, the present amendment conforms the claims to Figure 1, steps #5 - #13 to produce a grid vendor rating table, and to the selection of a grid computing resource using the grid vendor resource rating table as illustrated in Figs. 3 and 4, and as described in paragraphs 0038, 0062 - 0064, and 0091.

Reconsideration of these rejections is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Regarding the rejections of claims 14 and 40 - 43 under 35 U.S.C. §103(a) over Benjamin in view of Main and Shoquist, we respectfully maintain our previous arguments. We respectfully ask the Examiner to consider the present amendments and the foregoing arguments in the "Response to our Previous Arguments" section above.

Because Benjamin in view of Main in further view of Shoquist includes references selected from non-analogous arts, and which fail to teach or suggest our claim limitations related to OLTP and grid resource rating, selection and assignment, we respectfully request reconsideration and allowance of our claims.

Request for Indication of Allowable Subject Matter

We believe the present amendment places the remaining claim in condition for allowance. If, for any reason, it is believed that the claim is not in a condition for allowance, we respectfully request constructive recommendations per MPEP 707.07(j) II which would place the claim in condition for allowance without need for further proceedings. We will respond promptly to any Examiner-initiated interviews or to consider any proposed examiner amendments.

Respectfully,

/ Robert Frantz /

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